

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TETYANA DORSANEO,

Plaintiff,

v.

EDWARD MATTHEW DORSANEO,

Defendant.

Case No. [17-cv-00765-VC](#)

ORDER TO SHOW CAUSE

Re: Dkt. Nos. 96, 98

The defendant, Edward Dorsaneo, and his counsel, Jeffrey Neustadt, are ordered to show cause why they should not be sanctioned for threatening criminal prosecution in the course of civil proceedings. California Rule of Professional Conduct 5-100 prohibits members of the California bar from threatening to present criminal charges to obtain an advantage in a civil dispute. In apparent violation of this rule, Edward's opposition to Tetyana's motion for summary judgment claims that Tetyana violated federal immigration and criminal law and argues that she "should be referred by the Court to law enforcement for investigation." Opp. (Dkt. No. 96) at 24. In addition, Edward submitted a declaration through his counsel in which he alleges that Tetyana engaged in criminal conduct and states that he will provide the results of his private investigation to law enforcement. Edward Dorsaneo Decl. (Dkt. No. 98) ¶ 15. Both the lawyer's argument in the brief and Edward's statements in his declaration appear to be threats to refer Tetyana to law enforcement. This conduct may also have constituted criminal extortion under California Penal Code sections 518, 519, and 523. *See Flatley v. Mauro*, 39 Cal. 4th 299, 329-33 (2006); *Mendoza v. Hamzeh*, 155 Cal. Rptr. 3d 832, 835-37 (Cal. Ct. App. 2013).

Therefore, Edward Dorsaneo and Neustadt are ordered to show cause why they should

not be sanctioned pursuant to Federal Rule of Civil Procedure 11, 28 U.S.C. § 1927, and/or the Court's inherent authority. In addition, Neustadt is ordered to show cause why he should not be: (i) referred to the Court's Standing Committee on Professional Conduct under Civil Local Rule 11-6; and/or (ii) referred to the State Bar of California for this behavior.

Edward Dorsaneo and Neustadt are ordered to file written responses to this order by March 1, 2018. If the plaintiff wishes to file a response, she may do so by March 8, 2018. Any reply must be filed by March 15, 2018. A hearing on the order to show cause will take place on March 22, 2018 at 10:00 am. Both Edward Dorsaneo and Neustadt must appear in person.

IT IS SO ORDERED.

Dated: February 24, 2018



VINCE CHHABRIA
United States District Judge